

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate
of Rade Pavkovich, Deceased, and
WARREN ELMER HALFPAP,

Plaintiffs,

-against-

Index No.: 04/114728

GRUPO MEXICO S.A. de C.A., a Mexican
Corporation, SOUTHERN PERU
HOLDING CORPORATION, a Delaware
Corporation, SPHC II, Incorporated, a
Delaware Corporation, GRUPO MINERO
MEXICO INTERNACIONAL, S.A. DE
C.V., a Mexican Corporation, MEXICANA
de COBRE, S.A. de C.V., a Mexican
Corporation, CONTROLADORA MINERA
MEXICO, S.A. de C.V., a Mexican
Corporation, JP MORGAN CHASE &
COMPANY f/k/a CHASE MANHATTAN
BANK & TRUST COMPANY, a Delaware
Corporation, AMERICAS MINING
CORPORATION, a Delaware Corporation,
ERNST & YOUNG LLP, ERNST &
YOUNG CORPORATE FINANCE, LLC,
GERMAN LARREA MOTA-VELASCO,
Officer and Director of ASARCO Inc.,
OSCAR GONZALEZ ROCHA, Officer and
Director of ASARCO Inc., CREDIT
SUISSE FIRST BOSTON, INC., CREDIT
SUISSE FIRST BOSTON, LLC and
CREDIT SUISSE FIRST BOSTON (USA),
INC.,

Defendants.

NOTICE OF BANKRUPTCY

FILED

OCT 27 2005

NEW YORK
COUNTY CLERK'S OFFICE

1. ASARCO LLC (the "Debtor"), successor by February 2005 merger to
ASARCO, Inc., hereby provides notice that it filed a voluntary petition for relief under chapter
11 of title 11 of the United States Code (the "Bankruptcy Code") on August 9, 2005 (the

"Petition Date"), commencing a bankruptcy case pending in the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division, and docketed as Case No. 05-21207 (jointly administered with Case Nos. 05-20521, 05-20522, 05-20523, 05-20524, and 05-20525 filed on April 9, 2005 by Lac d'Amiante Du Quebec Ltee, CAPCO Pipe Company, Inc., Cement Asbestos Products Company, Lake Asbestos of Quebec, Ltd., and LAQ Canada, Ltd., collectively with ASARCO LLC referred to as the "Debtors")). A copy of the coversheet of Debtor's bankruptcy petition is attached hereto as Exhibit A and is incorporated by reference into this notice.

2. Under § 362 of the Bankruptcy Code, the filing of the Debtors' bankruptcy petitions operates as a stay, against, among other things, the commencement or continuation of judicial, administrative or other actions or proceedings against Debtors that were or could have been commenced before the filing of the complaint or any act to obtain possession of or exercise control over property of the estate of the Debtors.

3. Under § 541 of the Bankruptcy Code, estate property is defined to include "all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a). Prepetition causes of action that would benefit a debtor are considered property of the estate under § 541, even if those claims could have otherwise been asserted by creditors. If a cause of action belongs to a debtor's estate, then the debtor-in-possession or the trustee has exclusive standing to assert the claim.

4. The claims asserted in this lawsuit belong to the Debtor's bankruptcy estate and can only be asserted by the debtor-in-possession or a party that has been granted standing to assert those claims on behalf of the bankruptcy estate. Accordingly, the above-captioned lawsuit is stayed under 11 U.S.C. § 362 and all proceedings in this matter should cease.

Dated: October 27, 2005

Respectfully submitted



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COUNSEL FOR ASARCO, LLC

FILED
10/27/05
COUNTY CLERK
NEW YORK COUNTY

264797

UNITED STATES
COURT OF APPEALS
FOR THE SECOND CIRCUIT
CLERK OF COURT
2001 ROSS AVENUE
DALLAS, TEXAS 75201-2980
TELEPHONE: 214.953.6500
FACSIMILE: 214.661.6503
E-MAIL: clerk@usca2.uscourts.gov

FEB. 27.2007

THAT I HAVE COMPLETED THIS
COPY WITH THE ORIGINAL
FILED IN MY OFFICE ON
10/27/05

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FOR COPIES OF SIGNATURES USED
PURSUANT TO 28 U.S.C.
§ 1715

FEB 27 2007

CERTIFICATE OF SERVICE

I certify that I served the foregoing by causing a copy thereof to be mailed, postage prepaid to:

WEITZ & LUXENBERG, P.C.
180 Maiden Lane
New York, New York 10038

BARON & BUDD
Alan B. Rich, Esq. The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219


Thomas R. Trowbridge, III

Form B1 (Official Form 1) - (Rev. 12/03)

UNITED STATES BANKRUPTCY COURT Southern District of Texas, Corpus Christi Div.		Voluntary Petition																
Name of Debtor (if individual, enter Last, First, Middle): ASARCO LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):																	
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):																	
Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (If more than one, state all): 81-0666284	Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (If more than one, state all):																	
Street Address of Debtor (No. & Street, City, State & Zip Code): 1150 North Seventh Avenue Tucson, AZ 85705	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):																	
County of Residence or of the Principal Place of Business: Pima County, Arizona	County of Residence or of the Principal Place of Business:																	
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):																	
Location of Principal Assets of Business Debtor (If different from street address above): Arizona and Texas																		
Information Regarding the Debtor (Check the Applicable Boxes)																		
Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input checked="" type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																		
Type of Debtor (Check all boxes that apply) <input type="checkbox"/> Individual(s) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank		Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																
Nature of Debts (Check one box) <input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)		Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.																
Statistical/Administrative Information (Estimates only) <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.																		
Estimated Number of Creditors <table border="1"> <tr> <td>1-15</td> <td>16-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1000-over</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>			1-15	16-49	50-99	100-199	200-999	1000-over	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
1-15	16-49	50-99	100-199	200-999	1000-over													
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
Estimated Assets <table border="1"> <tr> <td>\$0- 50,000</td> <td>\$50,001- \$100,000</td> <td>\$100,001- \$500,000</td> <td>\$500,001- \$1 million</td> <td>\$1,000,001- \$10 million</td> <td>\$10,000,001- \$50 million</td> <td>\$50,000,001- \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>			\$0- 50,000	\$50,001- \$100,000	\$100,001- \$500,000	\$500,001- \$1 million	\$1,000,001- \$10 million	\$10,000,001- \$50 million	\$50,000,001- \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
Estimated Debts <table border="1"> <tr> <td>\$0- 50,000</td> <td>\$50,001- \$100,000</td> <td>\$100,001- \$500,000</td> <td>\$500,001- \$1 million</td> <td>\$1,000,001- \$10 million</td> <td>\$10,000,001- \$50 million</td> <td>\$50,000,001- \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>			\$0- 50,000	\$50,001- \$100,000	\$100,001- \$500,000	\$500,001- \$1 million	\$1,000,001- \$10 million	\$10,000,001- \$50 million	\$50,000,001- \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
THIS SPACE FOR COURT USE ONLY																		

Form B1 (Official Form 1) Page 2- (Rev. 12/03)

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		FORM B1, Page 2	
Name of Debtor(s) ASARCO LLC.		Location Where Filed:	
Name of Debtor: SEE EXHIBIT A ATTACHED HERETO		Case Number:	Date Filed:
District:		Relationship:	Judge:
Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. (If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7, I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. <input checked="" type="checkbox"/> Signature of Debtor <input checked="" type="checkbox"/> Signature of Joint Debtor Telephone Number (if not represented by attorney) Date		Exhibit "A" (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) <input type="checkbox"/> Exhibit A is attached and made a part of this petition. Exhibit "B" (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. <input checked="" type="checkbox"/> Signature of Attorney for Debtor(s) Date	
Signature of Attorney <input checked="" type="checkbox"/> <i>James R. Prince</i> Signature of Attorney for Debtor(s) Jack L. Kinzie/James R. Prince Printed Name of Attorney for Debtor(s) Baker Botts L.L.P. Firm Name 2001 Ross Avenue Address Dallas, Texas 75201 (214) 953-6500 Telephone Number August 9, 2005 Date		Signature of Non-Attorney Petition Preparer I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; that I prepared this document for compensation, and that I have provided the debtor with a copy of this document. Printed or Typed Name of Bankruptcy Petition Preparer Social Security Number (Required by 11 U.S.C. § 110(c)) Address	
Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition. <input checked="" type="checkbox"/> <i>Daniel Tejechea Salido</i> Signature of Authorized Individual Daniel Tejechea Salido Printed Name of Authorized Individual Chief Executive Officer and President Title of Authorized Individual August 9, 2005 Date		Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. <input checked="" type="checkbox"/> Signature of Bankruptcy Petition Preparer Date A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.	

DAL02:420257.1

Exhibit A
Pending Bankruptcy Cases Filed by any Partner or Affiliate of the Debtor

Name of Debtor: Lac d'Amiante du Québec Ltée
Case Number: 05-20521
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: CAPCO Pipe Company, Inc.
Case Number: 05-20522
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: Cement Asbestos Products Co.
Case Number: 05-20523
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: Lake Asbestos of Quebec, Ltd.
Case Number: 05-20524
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: LAQ Canada, Ltd.
Case Number: 05-20525
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Judge: The Honorable Richard Schmidt